

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services - Treasuries and Accounts Department - Chittoor District- Irregular Payment of pensions to Smt.N.Narasamma - Departmental Proceedings against Sri B.Adimoorthy, Sub-Treasury Officer (Retd.) - Imposition of a punishment of withholding of 30% pension for a period of (5) years - Review Petition of Sri B.Adimoorthy, Sub-Treasury officer (Retd) - Dropping of Punishment - Orders - Issued.

FINANCE (ADMN.I.VIG) DEPARTMENT

**G.O.Rt.No. 4349
- 11 -2008**

Dated. 07

Read the

following:-

1. G.O.Rt.No.1677, Finance (Admn.I.) Department, dated 20-4-2006
2. CMO Lr.No.9492/CMP/2007 dated 22/8/2007 with the representation of Sri. B.Adimoorthy, Sub-Treasury officer (Retd), dated 28-7-2007.

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ORDER:-

In the reference 1st read above, Sri B.Adimoorthy, Sub-Treasury Officer (Retd) was imposed with a punishment of withholding of 30% pension for period of (5) years under Rule 9 of A.P .Revised Pension Rules, 1980.

2. In the reference 2nd read above, Sri B.Adimoorthy, Sub-Treasury Officer (Retd) has requested to review his case and to waive the punishment imposed on him vide G.O.Rt.No.1677 of Finance (Admn.I.Vig.) Department, dated 20-4-2006 on the following grounds.

i) An amount of Rs.96,076/- was paid towards family pension to Smt.N. Narasamma during the period from August 2000 to January 2003 is without any ill motive on his part which was vindicated in inquiry report submitted by the Enquiry Officer. The Enquiry Officer has nowhere mentioned that he colluded with the case worker and arranged payment on the bogus P.P.O to defraud Government money except the failure to check the pay bank list with reference to the changes to be incorporated while sending pension list to the District Treasury Officer and Pay Bank report of August 2000.

ii) The fact that the existence of large number of pensioners in the Sub-Treasury, Chittoor to an extent of more than 6500 has not been taken into account to judge whether he was really over loaded and whether it was possible to check each and every Pension Payment order as the Senior Accountant put-up the list for approval on 28-8-2000 i.e. almost at the fag end of the month. He was charged that he failed to detect the bogus pension case from the beginning instead seeing the responsibility in three parts i.e. primary responsibility, supervision responsibility and ultimate responsibility. The responsibility of the Sub-Treasury Officer is only limited to that of supervisory and the entire responsibility rests with the Senior Accountant and Assistant Treasury Officer as per the common sense point of view.

iii) The observation at Para 8 of Government order that his role and responsibility in cross checking is more than that of Assistant Treasury Officer. As such it is not justified as the primary responsibility and ultimate responsibility rests with the caseworkers and head of the Office respectively.

iv) Sri B.Adimoorthy, Sub-Treasury Officer (Retd) also stated that he strived hard to get the entire amount of Rs.96,076/- recovered together with the penal interest of Rs.14,005/- on the amounts received by Smt. N.Narasamma and remitted to Government account and the records will speak the truth.

v) Sri B.Adimoorthy, STO (Retd.) has also stated that he is not a party for either misappropriation of Government funds or to defraud Government money or for a case of corruption. Though, the money was recovered with penal interest, he is losing more than one lakh forty thousand rupees on account of punishment imposed. The lapse is beyond his control on account of the deceitful nature of the caseworker. The Supreme Court of India, while quoting Strand's Judicial Dictionary was pleased to rule in a case pertaining to J.Ahmed Vs. Union of India that **"Misconduct"** means **"misconduct arising from ill-motive and acts of negligence, errors of judgments or innocent mistakes do not constitute such misconduct and even if it is accepted that the applicant was negligent or careless as alleged by the respondents it would not constitute a misconduct"** (AIR 1979 SC 1022). As such he contends that his case fall under innocent mistake and hence deserves dropping of further action.

vi) Sri B.Adimoorthy, STO (Retd.) contends that the punishment is severe and it is not justified. There is no rule to impose a particular punishment for a particular commission of offence except in cases of misappropriation and corruption. It is the will of disciplinary authority that would prevail without being guided by any authority. While awarding the punishment in disciplinary proceedings, doctrine of proportionality should be observed with reference to the gravity of charge as rule by the Supreme Court of India in a case pertaining to Bhagat Ram Vs. State of Himachal Pradesh (AIR 1983 SC 454) Shakar Dass vs. Union of India and others (AIR 1985 SC 772) Ranjit Thakur vs. Union of India and others (AIR 1987 SC 2386) and Parmandand Vs Union of India (AIR 1989 SC 1185). When there is no loss to Government exchequer, it is not justified to impose a punishment of 30% cut in pension for five years.

vii) Sri B.Adimoorthy also contend that owing to the existence of large number of pensioners, the caseworker failed to arrange them in an order and to file with the PPOs for which the Sub-Treasury Officer cannot be held responsible. According to Circular Memos No.M3/24567/78 dated 6-6-1978, D2/17627/90 dated 30-7-1990 and G1/14570/96 dated 20-2-1996, the pension vouchers received from the Sub-Treasuries and according to para 5-4 of annexure of G.O.Ms.No.213 Fin & Planning (FW -PSC) Department dated 19-12-1997, the District Treasury Officers are required to verify the correctness of the particulars in the list and prepare two consolidated lists viz. Paying Bank wise, Link-Bank wise separately and append the pay order for total amount given and to send them in sealed and locked box to the State Bank of India or State Bank of Hyderabad. Had this exercise done by the District Treasury Officer, the bogus payment should have been detected in the first month itself and the

bogus payments should have been avoided. Unfortunately none is pointing out the lapse on the part of the District Treasury at any stage and instead the personnel working in the Sub-Treasury are being made Scapegoats.

viii) Sri B.Adimoorthy, Sub-Treasury Officer (Retd), stated that the concerned Accountant (Case worker) who was also the Data Operator in the Sub-Treasury Chittoor has not at all recorded the claim on both halves of Pension Payment Order and put up for checking the correctness of the claim and to process the same by him to the ATO. The ATO has also not approved the said claim and order was passed even for enclosing of the said claims in Pay Bank Report for 8/2000. **The Senior Accountant-cum-Data operator himself added the claim in Pay Bank Report for 8/2000 without their knowledge. Further, the mistake was detected at the time of 100% internal audit of pensions conducted by the Sub-Treasury only as per the instructions received from the Director of Treasuries and Accounts. Soon on detection prompt steps were taken to recover the same and credited to the Government Account.**

4. Government, after careful consideration of the contentions of the individual in his review petition with reference to the connected material on record observed that the individual himself found the mistake and caused recovery of the excess paid amount of Rs.96,076/- together with interest of Rs.14,005/- on the amounts received by Smt. N.Narasamma and remitted to the Government exchequer. As such, by taking a lenient view hereby drop the punishment already imposed on him in the G.O.1st read above.

5. The Director of Treasuries and Accounts is requested to take further action in the matter.

6. The G.O is available on internet and can be accessed at the address <http://www.goir.ap.gov.in>.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**Dr. SAMEER SHARMA
SECRETARY TO GOVERNMENT
(FP)**

To
The individual through the Director of Treasuries and Accounts, A.P, Hyderabad.

The Director of Treasuries and Accounts, A.P., Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Secretary, A.P. Public Service Commission., A.P., Hyderabad.

The Deputy Director, District Treasury, Chittoor.

SF/SC

// FORWARDED BY ORDER//

SECTION OFFICER